

Served: August 31, 1999



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 31st day of August, 1999

Application of

**JETBLUE AIRWAYS CORPORATION**

**Docket OST-99-5616**

for a certificate of public convenience and necessity under 49  
U.S.C. 41102 to engage in interstate scheduled air  
transportation of persons, property and mail

**FINAL ORDER MAKING FITNESS DETERMINATION  
AND ISSUING CERTIFICATE**

By Order 99-8-12, issued August 13, 1999, we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award a certificate of public convenience and necessity to JetBlue Airways Corporation authorizing it to engage in interstate scheduled air transportation of persons, property and mail. Interested persons were given 14 days to file objections to the order.

No objections to the show-cause order were received within the answer period provided.

**ACCORDINGLY,**

1. We find that JetBlue Airways Corporation is fit, willing, and able to engage in interstate scheduled air transportation of persons, property, and mail.
2. We issue a certificate of public convenience and necessity to JetBlue Airways Corporation authorizing it to engage in interstate scheduled air transportation in the form and subject to the Terms, Conditions, and Limitations attached.

3. We direct that, once its certificate becomes effective, should JetBlue Airways Corporation propose to utilize more than 11 A-320 aircraft in its operations, it must notify the Department in writing at least 45 days in advance and demonstrate its fitness for such operations prior to placing the additional aircraft into service.
4. We direct JetBlue Airways Corporation to submit to the Air Carrier Fitness Division a first-year progress report within 45 days of the end of its first year of scheduled passenger operations.<sup>1</sup>
5. We will serve a copy of this order on the persons listed in Attachment A to this order.

By:

**A. BRADLEY MIMS**  
Acting Assistant Secretary for Aviation  
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at:  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

---

<sup>1</sup> The report should include a description of the carrier's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how its operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements (a balance sheet as of the end of the company's first full year of actual flight operations and a twelve-month income statement ending that same date), and a listing of current senior management and key technical personnel. The carrier should also be prepared to meet with staff members of the Fitness Division to discuss its current and future operations.



**Certificate of Public Convenience and Necessity  
for  
Interstate Air Transportation**

**This Certifies That**

**JETBLUE AIRWAYS CORPORATION**

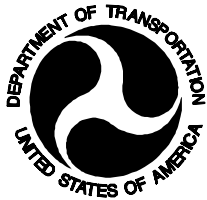
**is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate air transportation of persons, property, and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 99-8-26  
On August 31, 1999  
Aviation  
Effective on (see attached)**

**A. Bradley Mims  
Acting Assistant Secretary for  
and International Affairs**



## Terms, Conditions, and Limitations

### JETBLUE AIRWAYS CORPORATION

is authorized to engage in interstate air transportation of persons, property, and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.

This authority is subject to the following provisions:

(1) The authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:

(a) A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).

(b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.

(c) A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.

(d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.

(2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card) or issue tickets for the operations proposed under this certificate, and any advertisement or listing of flights by the holder must prominently state: "This service is subject to receipt of government operating authority."

(3) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.

(4) The holder's authority is effective only to the extent that such operations are also authorized by the FAA.

(5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) In the event that the holder receives effective scheduled passenger authority, the following additional conditions will apply:

(a) The holder may reduce or terminate service at any point or between any two points, subject to compliance with the provisions of 49 U.S.C. 41734 and all orders and regulations issued by the Department of Transportation under that section.

(b) The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.

(8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(9) In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently

ceases all such operations, its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

## SERVICE LIST FOR JETBLUE AIRWAYS CORPORATION

Mr Thomas E Kelly  
Exec Vice Pres & Gen Counsel  
JetBlue Airways Corporation  
90 Park Ave  
New York NY 10016

Mr Robert C Land  
Vice Pres for Gov Affairs  
JetBlue Airways Corporation  
90 Park Ave  
New York NY 10016

Mr Jonathan B Hill  
Ms Heather A Purcell  
Dow Lohnes & Albertson PLLC  
Counsel for JetBlue Airways Corp  
1200 New Hampshire Ave Ste 800  
Washington DC 20036

Mr Mel Freedman  
Flight Stds District Office  
Federal Aviation Admin  
990 Stewart Ave Ste 630  
Garden City NY 11530-4858

Mr Nicholas A Sabatini  
Mgr Flight Stds Div AEA-200  
Federal Aviation Admin  
JFK Intl Airport  
Fitzgerald Fed Bldg  
Jamaica NY 11430

Ms Loretta E Alkalay  
Regional Counsel AEA-7  
Federal Aviation Admin  
JFK Intl Airport  
Fitzgerald Fed Bldg  
Jamaica NY 11430

Amer Assoc of Airport Execs  
4224 King St  
Alexandria VA 22302

Ms Joni Mount  
Product Mgr  
Transportation Print Products  
Official Airline Guides  
2000 Clearwater Dr  
Oak Brook IL 60521

Mr J D Meador  
Airline Data Coordinator  
INNOVATA LLC  
3915 Old Mundy Mill Rd  
Oakwood GA 30566-3410

Mr Jim Zammar  
Dir of Revenue Accounting  
Air Transport Assoc  
1301 Pennsylvania Ave NW  
Ste 1100  
Washington DC 20004

Mr Allan Muten  
Asst Treasurer  
Airlines Reporting Corp  
1530 Wilson Blvd Ste 800  
Arlington VA 22209-2448

Mr Robert S Clayman  
Guerrieri Edmond & Clayman PC  
Counsel for IAM  
1625 Mass Ave NW Ste 700  
Washington DC 20036-2243

Mr Quentin J Smith Jr  
Mgr Air Transportation Div.  
Office of Flight Stds AFS-200  
Federal Aviation Admin  
800 Independence Ave SW  
Washington DC 20591

Mr Louis Cusimano  
Mgr Certification Program Office  
Office of Flight Stds AFS-900  
Federal Aviation Admin  
45005 Aviation Dr Ste 131  
Dulles VA 20166-7537

Mr Peter J Lynch  
Asst Chief Counsel AGC-300  
Federal Aviation Admin  
800 Independence Ave SW  
Washington DC 20591

Mr Tim Carmody  
Dir Office of Airline Information  
Dept of Transportation K-25  
400 Seventh St SW  
Washington DC 20590